



1615

ATTORNEY'S DOCKET NUMBER: 2005735-0004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Osio Sancho, Alberto  
Serial No: 10/582,728  
Filing Date: June 14, 2006  
Title: Treatment of Ophthalmic Conditions

Examiner: Sheikh, H. N.  
Art Unit: 1615

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (6 pages);
2. Form PTO-1449 (3 pages);
3. Cited Art (4 references); and
4. Return Postcard.

Respectfully submitted,

C. Hunter Baker, M.D., Ph.D.  
Registration No. 46,533

Choate, Hall & Stewart, LLP  
Two International Place  
Boston, MA 02110  
t (617) 248-5215  
f (617) 248-4000  
cbaker@choate.com

Dated: May 22, 2007

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 22, 2007

Date

Signature

Nicole A. Dozier

Typed or Printed Name of person signing certificate



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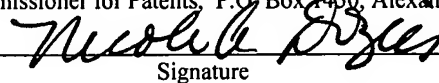
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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

**Type of Statement**

The present Information Disclosure Statement is:

☒ An *original* Information Disclosure Statement; or

☐ A *supplemental* Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☒ Before the mailing of a first Office action on the merits; or
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *certifies that either:*
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
  - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual  
designated in § 1.56(c) more than three months prior to the filing  
of

the information disclosure statement; or

[ ] Includes herewith the fee set forth in § 1.17(p),

[ ] Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under  
§ 1.113, a notice of allowance under § 1.311, or an action that otherwise closes  
prosecution in the application; Applicant hereby *both*:

[ ] Certifies that *either*:

[ ] each item of information contained in the information disclosure  
statement was first cited in any communication from a foreign  
patent office in a counterpart foreign application not more than  
three months prior to the filing of the information disclosure  
statement; or

[ ] That no item of information contained in the information  
disclosure statement was cited in a communication from a foreign  
patent office in a counterpart foreign application, and, to the  
knowledge of the person signing the certification after making  
reasonable inquiry, no item of information contained in the  
information disclosure statement was known to any individual  
designated in § 1.56(c) more than three months prior to the filing  
of  
the information disclosure statement; and

[ ] Includes herewith the fee set forth in § 1.17(p).

### Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☐ A copy of each cited reference not indicated with an asterisk is included, except for U.S. patents and published U.S. patent applications for which the submission requirements has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003;
- ☒ A copy of each of the references cited on the attached form PTO-1449 (modified) is enclosed, except for U.S. patents and published U.S. patent applications for which the submission requirement has been waived by the PTO in the Official Gazette Notice of August 5, 2003, for applications filed after June 30, 2003;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicants hereby make the following additional information of record in the above-identified application:

Applicants certify that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☐ Does contain non-English language citations.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC §102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application;


3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application; and

4. Applicants direct the Examiner's attention to the following related United States patent applications:

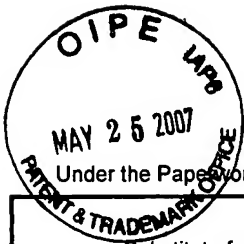
Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: May 22, 2007

  
C. Hunter Baker, M.D., Ph.D.  
Reg. No.46,533

CHOATE, HALL & STEWART, LLP  
Two International Place  
Boston, Massachusetts 02110  
t (617) 248-5215  
f (617) 248-4000  
cbaker@choate.com



PTO/SB/08A (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/582,728
				Filing Date	June 14, 2006
				First Named Inventor	Osio Sancho, Alberto
				Art Unit	1615
				Examiner Name	Sheikh, H. N.
				Attorney Docket Number	2005735-0004
Sheet	1	Of	3		

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		RE-37336	August 21, 2001	Weigel et al.	
		US-3,945,889	March 23, 1976	Mima et al.	
		US-3,957,049	May 18, 1976	Neeffe	
		US-4,258,134	March 24, 1981	Yoshida et al.	
		US-4,484,922	March 27, 1984	Rosenwald	
		US-4,540,417	September 10, 1985	Poler	
		US-4,571,039	February 18, 1986	Poler	
		US-4,592,752	June 3, 1986	Neeffe	
		US-4,713,446	December 15, 1987	DeVore et al.	
		US-4,759,746	July 26, 1988	Straus	
		US-4,820,016	April 11, 1989	Cohen et al.	
		US-4,851,513	July 25, 1989	DeVore et al.	
		US-4,881,543	November 21, 1989	Trembly et al.	
		US-4,897,349	January 30, 1990	Swann et al.	
		US-4,904,594	February 27, 1990	Karlstam et al.	
		US-4,969,912	November 13, 1990	Kelman et al.	
		US-5,061,627	October 29, 1991	Olsen et al.	
		US-5,144,630	September 01, 1992	Lin	
		US-5,163,956	November 17, 1992	Liu et al.	
		US-5,196,027	March 23, 1993	Thompson et al.	
		US-5,201,764	April 13, 1993	Kelman et al.	
		US-5,270,051	December 14, 1993	Harris	
		US-5,316,926	May 31, 1994	Brown et al.	
		US-5,354,331	October 11, 1994	Schachar	
		US-5,465,737	November 14, 1995	Schachar	
		US-5,484,432	January 16, 1996	Sand	
		US-5,489,299	February 06, 1996	Schachar	
		US-5,492,135	February 20, 1996	DeVore et al.	
		US-5,496,726	March 5, 1996	Park et al.	
		US-5,518,732	May 21, 1996	Nigam	
		US-5,520,679	May 28, 1996	Lin	
		US-5,529,076	June 25, 1996	Schachar	
		US-5,593,877	January 14, 1997	King	
		US-5,626,865	May 06, 1997	Harris et al.	
		US-5,695,509	December 9, 1997	El Hage	
		US-5,722,952	March 03, 1998	Schachar	
		US-5,747,027	May 5, 1998	Stern et al.	



	US-5,756,552	May 26, 1998	Takeuchi et al.	
	US-5,788,957	August 04, 1998	Harris	
	US-5,779,696	July 14, 1998	Berry et al.	
	US-5,792,103	August 11, 1998	Schwartz et al.	
	US-5,827,721	October 27, 1998	Stern et al.	
	US-5,866,120	February 2, 1999	Karageozian et al.	
	US-6,010,219	January 4, 2000	Stoyan	
	US-6,037,144	March 14, 2000	Fedorov et al.	
	US-6,039,943	March 21, 2000	Karageozian et al.	
	US-6,123,938	September 26, 2000	Stern et al.	
	US-6,132,735	October 17, 2000	Harris et al.	
	US-6,161,544	December 19, 2000	DeVore et al.	
	US-6,258,082	July 10, 2001	Lin	
	US-6,261,545	July 17, 2001	Okamoto	
	US-6,263,879	July 24, 2001	Lin	
	US-6,335,006	January 1, 2002	Miller	
	US-6,426,208	July 30, 2002	Kakkis et al.	
	US-6,537,545	March 25, 2003	Karageozian et al.	
	US-6,543,897	April 08, 2003	Tung	
	US-6,551,590	April 22, 2003	Karageozian et al.	
	US-6,569,661	May 27, 2003	Qin et al.	
	US-6,585,971	July 1, 2003	Kakkis	
	US-6,595,986	July 22, 2003	Almeida	
	US-6,652,095	November 25, 2003	Tung	
	US-6,710,051	March 23, 2004	Trier	
	US-6,733,124	June 11, 2004	Miyamura	
	US-6,737,075	May 18, 2004	Karageozian	
	US-6,773,699	August 10, 2004	Soltz et al.	
	US-6,780,840	August 24, 2004	DeVore	
	US-6,858,206	February 22, 2005	Kakkis	
	US-6,875,427	April 5, 2005	DeVore et al.	
	US-6,902,548	June 7, 2005	Schuler et al.	
	US-6,939,364	September 5, 2005	Soltz et al.	
	US-6,939,542	September 6, 2005	Karageozian et al.	
	US-6,946,440	September 20, 2005	DeWoolfson et al.	
	US-2003/0139737	July 24, 2003	Lin	
	US-2005/0256065	November 17, 2005	Harris et al.	

#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		EP-0 608 341	March 27, 2002	Ista Pharmaceutical, Inc.		
		EP-1 159 941	December 5, 2001	Ista Pharmaceutical, Inc.		
		WO-98/052090	November 19, 1998	Corrective Vision, Inc.		
		WO-05/062818	July 14, 2005	Osio		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2